

# Exhibit C

(Complaint)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

JENNIE FERNANDEZ,

PLAINTIFF

V.

CIVIL ACTION NO. 12-C-

FEDEx FREIGHT, INC.,  
a foreign corporation, dba  
Federal Express Freight, and  
TONY LORENZO FORD,

DEFENDANTS

*Barley*  
*1964*  
*copy*  
**FILED**  
2012 OCT -1 PM 3:37  
CATHY S. GALE, CLERK  
KANAWHA COUNTY CIRCUIT COURT

## COMPLAINT

1. Plaintiff Jennie Fernandez resides at Stanaford, Raleigh County, West Virginia.
2. Defendant FedEx Freight, Inc., dba Federal Express Freight, hereinafter referred to as FedEx Freight, Inc., is a foreign corporation, and at all times relevant hereto, was the employer of the Defendant Tony Lorenzo Ford.
3. Defendant Tony Lorenzo Ford resides at 5516 Hammermill Drive, Harrisburg, North Carolina 28075.
4. On or about April 18, 2012, Plaintiff Jennie Fernandez was operating her 2002 Chevrolet Trailblazer, traveling south on I-77, near Cabin Creek, Kanawha County, West Virginia.
5. At the time and place aforesaid, Defendant Tony Lorenzo Ford was operating a 2008 Volvo tractor trailer, owned by Defendant FedEx Freight, Inc., traveling south on I-77 near Cabin Creek, West Virginia, when said Defendant Tony Lorenzo Ford negligently operated said vehicle in such a manner that Defendant Tony Lorenzo Ford lost control and

the tractor trailer traveled off the highway and struck the guardrail, bounced off the guardrail back into the southbound lanes, struck the concrete median, and then came to a rest facing north. As a result of the collision, the fuel tanks on the tractor ruptured, blanketing both lanes of the southbound interstate highway with diesel fuel.

6. At the time and place aforesaid, Plaintiff Jennie Fernandez was operating her 2002 Chevrolet Trailblazer, traveling southbound on I-77 near Cabin Creek, West Virginia.

7. At the time and place aforesaid, Plaintiff Jennie Fernandez passed the crash scene of the 2008 Volvo tractor trailer, owned by Defendant FedEx Freight, Inc., and operated by Defendant Tony Lorenzo Ford, and the tires of her motor vehicle passed through the diesel fuel that had spilled from the 2008 Volvo tractor trailer onto the southbound interstate highway.

8. At the time and place aforesaid, Plaintiff Jennie Fernandez proceeded to navigate to the right hand lane when her 2002 Chevrolet Trailblazer began to slide due to the fuel that had adhered to her vehicle's tires. Plaintiff Jennie Fernandez lost control and her vehicle struck the median, bounced off, slid into the right hand lane and struck a 2004 Volvo tractor trailer owned and operated by Daryn Edward Cockram.

9. As a result of the negligence of the Defendants, Tony Lorenzo Ford, in the operation of the 2008 Volvo tractor trailer, owned by Defendant FedEx Freight, Inc., the diesel fuel that spilled from the 2008 Volvo tractor trailer caused Plaintiff Jennie Fernandez to lose control of her vehicle and ultimately strike a 2004 Volvo tractor trailer.

10. At all times relevant hereto, Defendant Tony Lorenzo Ford was acting within the scope of his employment with Defendant FedEx Freight, Inc.

11. At all times relevant hereto, Defendant Tony Lorenzo Ford was the employee of Defendant FedEx Freight, Inc., and as such, Defendant FedEx Freight, Inc., is liable for the negligent acts of its employee, Tony Lorenzo Ford, by virtue of the doctrine of *respondeat superior*.

12. As a direct and proximate result of the negligence of Defendant FedEx Freight, Inc., and Defendant Tony Lorenzo Ford, as aforesaid, the Plaintiff Jennie Fernandez suffered serious and permanent injuries to her neck, nose, upper and lower back, left leg and left knee, incurred medical expenses in excess of \$6,800 and reasonably expects to incur future medical expenses.

13. As a direct and proximate result of the negligence of Defendant FedEx Freight, Inc., and Defendant Tony Lorenzo Ford, as aforesaid, Plaintiff Jennie Fernandez endured pain, suffering, mental anguish and emotional distress.

14. As a direct and proximate result of the negligence of Defendant FedEx Freight, Inc., and Defendant Tony Lorenzo Ford, as aforesaid, Plaintiff Jennie Fernandez has in the past and will in the future suffer a diminished capacity to enjoy life.

**WHEREFORE**, the Plaintiff Jennie Fernandez prays for judgment against Defendant FedEx Freight, Inc., and Defendant Tony Lorenzo Ford, jointly and severally, in such amount as justified by the evidence.

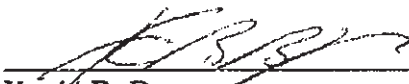
**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

**JENNIE FERNANDEZ**

**BY COUNSEL**

**HAMILTON, BURGESS, YOUNG  
& POLLARD, *pllc***

**BY:**

  
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**CERTIFIED MAIL**

